

COPY

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAI'I

3 'ILIO'ULAOKALANI COALITION,) Civil No. 04-00502 DAE BMK  
4 a Hawai'i nonprofit )  
5 corporation; NA 'IMI PONO, )  
6 a Hawai'i unincorporated )  
7 association; and KIPUKA, a )  
8 Hawai'i unincorporated )  
9 association, )  
10 )  
11 Plaintiffs, )  
12 )  
13 vs. )  
14 )  
15 DONALD H. RUMSFELD, )  
16 Secretary of Defense; and )  
17 FRANCIS J. HARVEY, )  
18 Secretary of the United )  
19 States Department of the )  
20 Army, )  
21 )  
22 Defendants. )  
23 )  
24 )

## 14 DEPOSITION OF COLONEL STEFAN J. BANACH

15  
16 Taken on behalf of the Plaintiffs, at the law  
17 offices of Earthjustice, 223 South King Street, Third  
18 Floor Conference Room, Honolulu, Hawai'i, commencing at  
19 9:09 a.m., on Thursday, December 7, 2006, pursuant to  
20 Notice.

21 BEFORE: CARI VALLO, CSR No. 252, RPR  
22 Notary Public, State of Hawai'i

23 PACIFIC REPORTING SERVICES UNLIMITED  
24 Topa Financial Center  
25 745 Fort Street, Suite 704  
Honolulu, Hawai'i 96813  
(808) 524-7778

EXHIBIT J

1 into combat and we accept. Okay.

2 It requires every bit of training and every bit  
3 of repetition to be able to do the fundamental tasks  
4 let alone the things that we experience that we weren't  
5 ready for or that are thrust upon us.

6 BY MR. HENKIN:

7 Q Are there certain training standards that the  
8 Army has for soldiers prior to deployment?

9 A Yes.

10 Q Were the soldiers that were deployed on these  
11 various assignments trained to those standards?

12 A Yes.

13 Q Those soldiers were trained to standard to go  
14 to combat with non-Stryker units; is that correct?

15 A Yes.

16 Q Colonel Banach, in your experience, do you  
17 always have the opportunity to perform all of the  
18 training that you would like to have your soldiers  
19 perform prior to deployment?

20 A Clarify the question.

21 Q Are there any limitations, outside of the  
22 context of litigation, on your ability to perform all  
23 of the training that in an ideal world your soldiers  
24 would have before they deploy to combat?

25 MR. GETTE: Objection. Calls for speculation.

1 a thousand people. I would also tell you that  
2 regardless of the number, regardless of the number of  
3 people that we bring in, it will have an impact on this  
4 brigade's combat readiness. Starting with the brigade  
5 commander and work working its way down to however low  
6 it works, all right, we start wearing away at the  
7 leadership of this brigade.

8           When you have tired leaders, they make bad  
9 decisions, and they get soldiers killed. And we're  
10 starting that process now as a direct result of the  
11 litigation.

12           Q       The wearing away of the leadership of the  
13 brigade that you just described, is that regardless of  
14 what the court rules on the 18th?

15           MR. GETTE: Objection. Vague.

16           THE WITNESS: Yes, because at this point we  
17 have proceeded so far into our training plan that I  
18 don't have any flexibility other than to use the time  
19 that's available here on the block leave period to  
20 resynchronize our training program, and that will take  
21 leaders away from their families, that will cause  
22 leaders to work longer than they had originally planned  
23 to work during this stand-down period.

24           MR. GETTE: David, I know we've been going  
25 about an hour. Whenever you're ready for a break, I

1 BY MR. HENKIN:

2 Q Please answer the question.

3 A Again, it's what I said before. It's hard to  
4 ascertain exactly what training we would do because  
5 this is a -- my original intent was for this to be a  
6 full complement block leave where we push out as many  
7 people as possible. That is no longer going to happen  
8 to meet the full intent of my original order.

9 We are going to have some people back here, but  
10 I don't think it's going to be anything that we're  
11 going to be able to make up any ground that we've  
12 already lost.

13 You made reference to slide number two here.  
14 You know, the first of the 24th is currently at the  
15 Pohakuloa Training Area. We haven't moved our Strykers  
16 in 41 days. This was the first Stryker Brigade  
17 rotation to the Pohakuloa Training Area that we cannot  
18 make up. We have lost that training opportunity.

19 Time is our currency, and we are burning time  
20 that we're never going to get back. The less time we  
21 have to train, the more risk that brings to our  
22 soldiers. And not only to our soldiers. When you talk  
23 about the movement of Strykers, which we haven't done  
24 in, by my count, 41 days, that presents an enormous  
25 risk to our soldiers because that is a very, very

1 complex vehicle. It's a great vehicle. It's the best  
2 vehicle we've made in the Army. Unbelievable  
3 protection for our soldiers. Saves lives.

4 But also puts the Iraqi people at risk because  
5 our soldiers are not getting the training that they  
6 need today. We've lost 41 days of maneuver training,  
7 and when these soldiers get put on the battle field,  
8 they will have 41 days and counting of less training  
9 than they would otherwise have had.

10 Q Colonel, you referenced a unit that's currently  
11 deployed to Pohakuloa, and you did that with reference  
12 to page number 2 of Exhibit No. 1. Could you please  
13 indicate on the exhibit, just with your finger, what  
14 you're referring to?

15 MR. GETTE: Objection. I think you said he  
16 indicated they were currently deployed?

17 MR. HENKIN: That was my understanding. I  
18 could be mistaken.

19 THE WITNESS: They are. They're at the  
20 Pohakuloa Training Area.

21 BY MR. HENKIN:

22 Q Which unit are you referring to?

23 A This unit 1-21 Infantry at the Pohakuloa  
24 Training Area.

25 Q That's the block underneath the row "2006-2007

1 time, given our limited time now, to go build ranges.  
2 All right. So I am not investing any more leader time  
3 or energy into 8B given the lack of success that I've  
4 had to develop that range based in large part by the  
5 Stryker litigation. I simply don't have time to train  
6 and get the through-put on a range that's already  
7 substandard. I'm not going to invest any more of my  
8 resources to bring that up even to a baseline standard.

9 As I understand it, talking to the  
10 transformation personnel, that the Urban Assault Course  
11 was going to be available, complete, ready for use  
12 somewhere in the June time frame. That is no longer  
13 possible, and as a result, we will not have the amount  
14 of time, the ability for through-put for the 3,999  
15 soldiers that are authorized in this brigade to operate  
16 on a state-of-the-art training facility for what is  
17 their most probable course of action when they're  
18 deployed, and that is to fight in an urban combat  
19 scenario.

20 And I'm not just talking infantry soldiers.  
21 Every soldier in this brigade needs to be able to  
22 operate in an urban assault environment, all right,  
23 unlike any other time in our history.

24 I was on H-1 airfield in Iraq and seized that  
25 airfield, and my brother Ranger battalion commander was

1 A I have no idea, but I know, I do know, that  
2 we've burned significant time that we'll never be able  
3 to recuperate, which increased the risk to my soldiers.  
4 And I believe the judge specifically addressed that  
5 point, and I as a brigade commander want to clearly  
6 communicate to him as a result of this, loss of this  
7 range, we are at risk, at a higher risk than before.

8 Q So the heightened risk, just so I understand,  
9 was that as a result of his failure to rule on November  
10 the 20th?

11 A That's a result of the lack of the training  
12 facilities that have been delayed.

13 Q As we sit here today, that higher risk has  
14 already been realized?

15 A Every day that we delay the construction of the  
16 ranges that would otherwise have been available for our  
17 soldiers, the risk increases.

18 Q Other than the Urban Assault Course and Range  
19 8B at Pohakuloa, are there any other delays in range  
20 construction since the time you put together pages 2  
21 and 3 of Exhibit 1?

22 MR. GETTE: Can I hear back the question.

23 (Previous question read.)

24 THE WITNESS: The answer is yes, and the range  
25 that comes to mind is QTR-1. That is a

1 it the final way. There is certainly no earth moving,  
2 for example, that is contemplated. That has all been  
3 done.

4 BY MR. HENKIN:

5 Q Okay. We can clarify the rest of this by  
6 stipulation. I don't mean to take your time, Colonel.  
7 Just didn't expect that answer.

8 Other than QTR-1, the Urban Assault Course, and  
9 the construction that you've described at Range 8B that  
10 did not occur, are there any other range construction  
11 that was delayed subsequent to the preparation of your  
12 September 2006 long range training briefing set forth  
13 on pages 2 and 3 of Exhibit 7?

14 A The one range that I would like to have access  
15 to but has also been delayed, as I understand it, is  
16 QTR-2, and again, this is a through-put issue. It's  
17 also a quality-of-range issue because all of these new  
18 ranges give us immediate digital feedback on target hit  
19 which is crucial, which is what we don't get at KR-3  
20 because they're just holts out there, and it's  
21 anybody's guess when you hit the target.

22 We do have improved optics on our RWS, if we  
23 were allowed to use them, that would help. But it  
24 doesn't give us 100 percent assurance that we've hit  
25 the target.

1 station fired off a 19-ton vehicle with full-solution  
2 state-of-the-art gunnery capability and soon-to-be  
3 laser range-finder capability where, as we heard  
4 yesterday from my gunner in my track, one shot, one  
5 kill. You put the crosshair on the target, that's  
6 where the round goes. Save enormous amounts of  
7 ammunition. All right.

8 And going back to your SDZs, if I'm in Iraq and  
9 I have a terrorist next to a mosque, I shoot the  
10 terrorist with my .50 caliber. I don't shoot the  
11 mosque because of the enhanced gunnery capability that  
12 we have.

13 Now, let me finish answering the question.  
14 With the court ruling, I've been allowed to fire .50  
15 calibers and MK-19s off of a tripod ground-mounted.  
16 Well, you take a .50 caliber on a tripod and you put it  
17 at Pohakuloa, okay, and you fire that weapon system on  
18 that tripod on lava, that gun moves around, and who  
19 knows where those rounds are going to land, okay, which  
20 further adds risk to all the things that Earthjustice  
21 is trying to protect.

22 We are providing a solution to that particular  
23 problem because when you fire those same weapon systems  
24 with enhanced optics, you know, near complete  
25 stabilization, all right, the round goes where it's

1 intended to go. There isn't a vibration and a changing  
2 of the muzzle up or down or left or right, and the  
3 beaten zone on the other end, all right, is not this  
4 wide when we fire the Stryker (indicating), it's this  
5 wide (indicating), which protects cultural sites, which  
6 protects mosques, which protects Iraqis in combat,  
7 which wins the hearts and minds and allows us to win.

8 Q Colonel, is it your testimony that based on  
9 your background, knowledge, and experience, a soldier  
10 firing a .50 caliber weapon from a Stryker vehicle will  
11 never miss the target?

12 A He has an enormous capability to hit the  
13 target.

14 Q Is it your testimony that the soldier will  
15 never miss the target?

16 A There are never any 100 percent certainties.

17 Q Is the surface danger zone any different for a  
18 weapon fired from a Stryker vehicle as opposed to from  
19 a tripod?

20 A You know, I'd have to look at that. I think  
21 the characterization of that -- and again, this is just  
22 gut -- would be that the standard SDZs for a weapon  
23 fired off a Stryker or a weapon fired off of a  
24 ground-mounted system would be the same. Okay. Having  
25 said all of that, the SDZs probably should be updated

1 for Stryker.

2 Q Do you have training in calculating SDZs?

3 A I don't, but I have 23 and a half years'  
4 experience shooting.

5 Q Do you have responsibility for developing the  
6 Army's surface danger zones?

7 A Not the Army's surface danger zones.

8 Q Could you clarify your answer.

9 A Well, you asked me if I had responsibility to  
10 develop the Army's surface danger zone.

11 Q Do you have responsibility for developing  
12 anyone's surface danger zone?

13 A My own. When I go out and I shoot a  
14 nonstandard range and we don't -- again, we do not  
15 update surface danger zones every time we go out and  
16 shoot an existing range.

17 Our range officers, our range safety officers,  
18 our range NCO ICs receive range briefings. We are  
19 familiar with the ranges here at Schofield Barracks.  
20 We know where to shoot. We know where not to shoot.  
21 We know the same for Pohakuloa. Okay. We have a great  
22 relationship with the range control people who provide  
23 an additional layer of oversight for us to update us on  
24 any changes.

25 You know, with the Stryker, you can -- while

1 you're moving the Stryker, you can plug in -- enter  
2 into the FBCB2 that's on that vehicle that has a map,  
3 you can enter in every sensitive location that is along  
4 your route of march which allows us, all right, the  
5 capability as we come up to something that may be  
6 sensitive or we come up to an area that's a danger area  
7 for us -- and with Stryker, that could be, you know, a  
8 12-foot dropoff near the edge of a road.

9 We can put that location in, and as we get  
10 closer to that location, we hear the vehicle tell us:  
11 We are closing in X number of meters from location X.  
12 X number of meters from location X. You are now at  
13 location X.

14 Okay. So there's a number of things that the  
15 Army is doing that is allowing us to be good stewards  
16 in terms of the technology that's on the Stryker  
17 vehicle.

18 Q If the Stryker has the accuracy that you  
19 believe it has, then why do the soldiers need to train?

20 A It's repetition. I described to you earlier  
21 the things that you encounter. Okay. You will have --  
22 you will have the primary gunner who may die, all  
23 right, in his vehicle even though this vehicle has an  
24 incredible survivability rate. All right. We have to  
25 evacuate that soldier. Another soldier has to get in

1 and be able to operate the vehicle and be able to shoot  
2 the gun. Okay. That is why you have to train.

3 We don't know the full menu of things we're  
4 going to be exposed to, okay, but I'm telling you that  
5 the full menu of things that we do get exposed to,  
6 okay, we definitely need to train. Because when we  
7 encounter these situations, it needs to be second  
8 nature, and you only get that through operating in  
9 realistic conditions.

10 The sites, the sounds, the smells of the battle  
11 field cannot be replicated through simulation. You  
12 need to have that vehicle fire, get the gas in your  
13 eye, have the rain falling on you, have the sand coming  
14 up over top of the vehicle clouding your goggles, okay,  
15 and have the confusion that comes with realistic  
16 training.

17 Q And is it your testimony that when the soldiers  
18 are experiencing all those things for the first time,  
19 they never miss?

20 MR. GETTE: Objection.

21 THE WITNESS: I already answered that question.

22 BY MR. HENKIN:

23 Q And your answer is?

24 A It's the same answer I gave you before.

25 There's never 100 percent assurance that you will hit

1 the target every time, but with Stryker, that assurance  
2 is infinitely better than what the court has ruled by  
3 allowing us to fire off of ground-mounted .50 calibers  
4 and MK-19s off of tripods.

5 It's illogical for me as an officer with 23  
6 years in the Army, all right, if the goal is to protect  
7 these sites, then why we're not using Strykers to allow  
8 us to do that because a Stryker is a much more stable  
9 and accurate firing platform.

10 Q Other than QTR-2, the additional lanes or  
11 whatever construction you believe needs to be done at  
12 QTR-1, the Urban Assault Course, and Range 8B, are  
13 there any other construction delays that have occurred  
14 since you gave your September '06 briefing?

15 A Are you talking specifically on ranges?  
16 Because there are other things.

17 Q Let's start with range construction. Thank  
18 you.

19 A I would offer that without Range 11T, this  
20 brigade will be at significant risk should we be  
21 deployed to combat either in Iraq or some other  
22 location without the capability that the Mobile Gun  
23 System brings to us.

24 Q Have you ever fired a Mobile Gun System?

25 A The Mobile Gun System gun -- is the question

1 specifically focused on 105 millimeter cannon?

2 Q No. The question is specifically focused on a  
3 Stryker vehicle Mobile Gun System configuration.

4 A Have I personally fired one?

5 Q Yes.

6 A No.

7 Q What is the basis for your opinion, then?

8 A It is briefings, conversations, professional  
9 conversations with general officers, peers,  
10 subordinates, master gunners who have excellent  
11 knowledge of the weapon system. And recent experience  
12 from 4th Brigade 2nd Division who recently shot this  
13 weapon system at the Yakima Training Center and, as my  
14 master gunner reported to me, received excellent  
15 feedback from its performance.

16 Q Has this weapon system ever been deployed in  
17 combat?

18 A Not yet.

19 Q So none of the Stryker Brigades that have  
20 previously been deployed in the current Global War on  
21 Terror have ever used the Mobile Gun System?

22 A Unfortunately not, and let me just add to that.  
23 Big bullets matter in combat. We're given -- the  
24 Army's intent is to give every Stryker Brigade 27  
25 Mobile Gun Systems. Each Mobile Gun System has 18

1 rounds of ammunition that vary in type and character.

2 The 105 millimeter gun that we're putting on  
3 the Mobile Gun System is one or two generations above  
4 the 105 millimeter gun that used to be fired here at  
5 Schofield Barracks and on Range 11T at the Pohakuloa  
6 Training Area back in the eighties. Very little  
7 difference. Same caliber. The enhancements are in the  
8 stabilization in the gun system in terms of its ability  
9 to process fire missions.

10 The Mobile Gun System gives the Stryker Brigade  
11 a capability that all three of the Stryker Brigades  
12 that deployed initially and now the 4th Stryker Brigade  
13 that's in combat did not have. And they went at risk.

14 Fifty calibers and MK-19s, my personal  
15 experience, all right, do not solve your problems in an  
16 urban environment. When I say do not solve your  
17 problems, they do not kill the enemy as quickly as you  
18 need the enemy to die.

19 I need the capability that that 105 millimeter  
20 cannon brings to be able to shoot a room off of a  
21 building and destroy that room without destroying the  
22 rest of the building. What Stryker Brigades that have  
23 deployed to combat have had to do is they've had to  
24 bring in larger munitions: 500-pound bombs off of  
25 airplanes, attack helicopter munitions, okay, that are

1 not as accurate as the Mobile Gun System in a direct  
2 fire mode.

3 The result is collateral damage. The result is  
4 you lose the hearts and minds when you blow up the  
5 entire building and you kill everybody in the building  
6 instead of just the terrorists that are in the corner  
7 room you're trying to take.

8 The worst course of action that's happened is  
9 we've sent soldiers in there after suppressing the  
10 building with .50 caliber and MK-19, and they've been  
11 killed or wounded. The Marines had that problem in  
12 Faluja. An enormous challenge for them.

13 So this capability is huge for us in Iraq, all  
14 right, but it's also huge for us should we fight  
15 someplace else. Right now in my MTO that I discussed  
16 with you earlier, I have nine antitank gunnery missile  
17 systems that launch a tubular, optically guided wire  
18 system that can kill a tank. Okay. That's it. Nine.  
19 Nine systems in the brigade.

20 This brigade, given our operational tempo,  
21 could deploy anywhere in the world on very short  
22 notice, okay, and we could fight tanks. Okay. And we  
23 are not optimized to fight tanks.

24 The Mobile Gun System gives us 27 systems,  
25 okay, that can kill up to a T62 tank and can kill

1 light-armored vehicles: the BMP2, BMP1 variance, the  
2 BTR variance that Soviets produced and that many of the  
3 countries that we would go against have.

4 Q Why doesn't the Army just assign more antitank  
5 systems to a Stryker Brigade if that's a concern?

6 A Because we need a dual capability. We need to  
7 kill tanks, and we also need to have a rapid-fire big  
8 gun system in urban terrain. I've had soldiers  
9 ambushed up in northeastern Afghanistan, okay, and when  
10 you take -- when you take immediate direct fire, you  
11 need to be able to turn a turret and blow the problem  
12 away. Okay.

13 We didn't have a Mobile Gun System when I was a  
14 Ranger battalion commander. By the way, we didn't have  
15 armored vehicles. We drove around in Humvees with no  
16 armor, and we did that in Iraq, all right, for a long  
17 time before we started to sustain -- we the Ranger  
18 Regiment -- sustained casualties.

19 And that's why the Ranger Regiment asked for  
20 and were given Strykers, because of its survivability  
21 and its fire power and the complete connectivity in  
22 terms of situational awareness that this system brings.  
23 It saves lives.

24 Q I'm going to hand you a document and ask you if  
25 you recognize it. It was part of the Army's document

1           For our brigade, we've had a number of soldiers  
2 reenlist, legally binding contracts, to be Stryker.  
3           We've had a number of soldiers that have submitted in  
4 writing and that I have approved in writing for them to  
5 stay here at Schofield Barracks to be Stryker. Legally  
6 binding procedures. That's an important aspect of what  
7 we're doing here in terms of command health and combat  
8 readiness, which is done in this reset period.

9           I'll tell you in my particular case, I'm  
10 struggling mightily right now with the agreements that  
11 we have made with soldiers, that they would be trained  
12 as a Stryker soldier and that they would deploy as a  
13 member of 2nd brigade as a Stryker unit, which further  
14 exacerbates the climate, the combat climate that we  
15 experience every day in the Army. We don't need to do  
16 this to our soldiers is my message.

17           I'll tell you that the families -- first of  
18 all, we're an Army of families. We've got 62 percent,  
19 the numbers I understand it, of soldiers that are on  
20 Oahu, and these numbers came from the Garrison Hawai'i.  
21 Sixty-two percent of our soldiers are married, and the  
22 Army average, as I understand it from them, is at 58  
23 percent. Why don't we use the lower number just for  
24 sake of discussion.

25           Fifty-eight percent of my brigade is married.

1       When we start talking to soldiers about you're going to  
2       be Stryker when you're not going to be Stryker, that  
3       adds a level of -- an increased level of tension that  
4       we quite frankly don't need. This is the impact that  
5       I've seen.

6               I commanded a Ranger battalion -- I commanded  
7       battalions for four years. Forty-eight months -- 47  
8       months and some change -- in command of battalions.  
9       Mechanized battalion that I deployed to Bosnia when I  
10      was at Fort Stewart, and a Ranger battalion that I  
11      deployed twice to Afghanistan and then also to Iraq.

12       Q       Colonel, I appreciate this. I'm trying to keep  
13      within the time limits of the deposition. The question  
14      just had to do with what the term "reset" did. I  
15      understand my desire to allow you to give complete  
16      answers, but this is not responsive. And I'd like to  
17      ask if we can just move on. Nothing personal. It's  
18      just given the limitations of time available to us, I  
19      need to ask you to stay on point.

20               MR. GETTE: Object to not letting the witness  
21      finish his answer. I'm sure the Colonel will be  
22      succinct and conclude the answer if you just let him.

23               MR. HENKIN: Counsel is well aware in court  
24      that if he were giving this type of narrative,  
25      nonresponsive testimony, the judge would instruct him

1 (Recess taken, 11:22 a.m. to 11:29 a.m.)

2 BY MR. HENKIN:

3 Q Colonel, with respect to Exhibit 2, do you see  
4 indications on the exhibit of MGS?

5 A I see it seven times.

6 Q Once in each column for each existing and  
7 future Stryker Brigade; is that correct?

8 A Yes.

9 Q Does MGS stand for Mobile Gun System?

10 A Yes.

11 Q When it appears on this map, does that  
12 indicate -- or sorry -- when it appears on this  
13 document, does that indicate when each of the  
14 respective Stryker Brigades will receive its contingent  
15 of 27 Mobile Gun System configurations of the Stryker  
16 vehicle?

17 A Generally speaking, yes.

18 Q Could you explain your answer by "generally  
19 speaking"?

20 A Well, it goes back to what I mentioned earlier  
21 here about the industrial base. The fielding of some  
22 of these systems simply change, in this case for this  
23 system here for testing requirements and the capability  
24 of the industrial base to actually meet their time  
25 lines.

1                   So the Army is being told to plan on this type  
2 of fielding time line, and as we have seen in the past  
3 with Stryker production and also as this system is  
4 deployed with 4/2, which is currently the plan, Mobile  
5 Gun Systems will, just like Stryker vehicles, suffer  
6 loss.

7                   So things that we have portrayed on this chart  
8 may change as a result of the need to replenish those  
9 losses for forces that are in combat. So generally as  
10 a set, this is a planning document that's as good as  
11 the 15th of November.

12                  Q        Of 2006?

13                  A        Of 2006 as it's shown on here. How it gets  
14 executed in an evolutionary fashion here based on a  
15 number of factors is yet to be seen.

16                  Q        So in your experience, would these stated dates  
17 with respect to when each Stryker would receive its  
18 contingent of Mobile Gun System configurations be the  
19 earliest of when these brigades would be likely to  
20 receive them?

21                  A        I would have to say yes. I mean, I think what  
22 you're showing here is -- and again, I don't know  
23 exactly who David Patterson is. It looks like the  
24 author down here.

25                   I have not talked to him about these fielding

1 proceed in Iraq.

2 Those political decisions from him as Commander  
3 in Chief will certainly affect what we do, and it will  
4 and could potentially impact when we deploy.

5 Q Is it your understanding that the Iraq Study  
6 Group has recommended that the United States pull  
7 almost all combat troops out of Iraq by early 2008?

8 MR. GETTE: Objection. I think it  
9 mischaracterizes facts.

10 But you can go ahead.

11 THE WITNESS: I have not read the report.

12 BY MR. HENKIN:

13 Q When you reference these political factors, is  
14 it possible that there will be no deployment of the 2nd  
15 Brigade to Iraq on or about March of 2008?

16 A We don't know what the President is going to  
17 say, first. I will tell you that the Stryker Brigades  
18 are the most capable brigades in our Army, and my  
19 professional opinion is if we're going to deploy  
20 anybody, in which I have heard many general officers  
21 say that Strykers will not be off-ramped, i.e., they  
22 will not come off deployment charts, then every attempt  
23 will be made to accelerate the deployment of those  
24 units where it's possible.

25 And again, we have to -- we have to work within

1 the constraints and the demands of this dynamic  
2 situation that we're confronted with both politically,  
3 what's happening on the battle field in terms of  
4 losses, okay, and in our particular case, the  
5 litigation. All those factors impact what I do. I  
6 have no control over any of them.

7 Q With respect to the possible deployment of the  
8 2nd Brigade on or around March of 2008, is it your  
9 understanding that ultimately it will be up to the  
10 President and other political factors to determine  
11 whether or not that will occur?

12 A The President is the Commander in Chief. We  
13 don't know what we don't know right now, and that void  
14 is significant in terms of risk to our soldiers.

15 Q So as you sit here today, do you know whether  
16 the 2nd Brigade will have to deploy to Iraq in March of  
17 2008?

18 MR. GETTE: Objection. Asked and answered.

19 THE WITNESS: Again, we don't know what we  
20 don't know. Okay. I have been told that this brigade  
21 will deploy to combat.

22 Stryker Brigade is the most lethal, most  
23 capable, most advanced brigades we have in our Army.  
24 It gives the Army a capability and the President of the  
25 United States a capability that no other unit in the

1 Army provides right now.

2 MR. HENKIN: Do you have something you want to  
3 say?

4 MR. GETTE: Just some concern that the date  
5 March 2007 may have gotten thrown out at some point,  
6 the first of March 2007. But just so we're clear,  
7 we're talking about March 2008, correct?

8 MR. HENKIN: If there was any statement about  
9 March 2007 by myself -- I can't speak for the  
10 Colonel -- I intended to say 2008.

11 THE WITNESS: I am also referring to 2008.

12 BY MR. HENKIN:

13 Q Thank you for the clarification if there was  
14 need for one.

15 So am I correct in understanding that future  
16 events will determine whether the brigade needs to  
17 deploy in March of 2008?

18 MR. GETTE: Objection. Asked and answered.

19 THE WITNESS: Correct.

20 BY MR. HENKIN:

21 Q Assuming hypothetically that the brigade does  
22 deploy in March of 2008, so just focusing on the  
23 planning that you have done for that possibility, my  
24 understanding is that there would be some training at  
25 the National Training Center in Fort Irwin, California

1 readiness exercise, assuming that the 2nd Brigade is  
2 successful and determined to have achieved its initial  
3 operating capability, what would happen after that with  
4 respect to the Stryker vehicles prior to whatever date  
5 of deployment occurs following 1 November 2007?

6 A It's contingent upon what the Army tells us.

7 Q Is it possible the Stryker vehicles would be  
8 shipped directly from California into theater?

9 A That is a possibility. It is also a definite  
10 that 83 percent of my 1,850 odd vehicles, that 83  
11 percent of those would come back, as it stands right  
12 now, would come back to Schofield Barracks because  
13 those vehicles that would come back are not armored  
14 vehicles, and they are not allowed in theater.

15 We will sign for another fleet of wheeled  
16 vehicles that have been fully prepared with additional  
17 armor and additional counter-improvised explosive  
18 device, the feeding material and equipment.

19 So I have 1,500 pieces of rolling stock plus.  
20 I think it's 1,538 of rolling stock to include trailers  
21 and things like that that have to come back to  
22 Schofield Barracks, which is why I need my motor pool  
23 first and foremost and the division needs the new  
24 Stryker motor pool which is, again, you talk about  
25 impacts on the brigade and the impacts on the division,

1 Q So it's possible that the Strykers would have  
2 to come back to Hawai'i before deploying abroad?

3 A That is a possibility.

4 Q With respect to the remaining vehicles, my  
5 understanding is it is a certainty that they would have  
6 to come back to Hawai'i; is that correct?

7 A Yes, because we will not, under the current  
8 rules, we will not use those in combat in Iraq.

9 Q Then with respect to those non-Stryker vehicles  
10 that you are certain would return to Hawai'i, when  
11 would they get back to Hawai'i following the deployment  
12 to the National Training Center?

13 A Okay. This is the most complicated part of the  
14 operation, as is the front end of this. You see where  
15 we've judged here 8 August gives us three weeks to get  
16 it there and off-load it and get it up to the National  
17 Training Center.

18 On the back end, which is tied to this gold  
19 star that you referenced earlier, we don't know when  
20 we're going to deploy. We don't know when we could get  
21 a ship out of the National Training -- you know, out of  
22 port in Los Angeles.

23 My gut tells me we've got to have all the  
24 equipment, every bit of it, back by January, at some  
25 point in January. Otherwise -- and we need a place to

1 writing on it, or are you talking about just the plain  
2 map?

3 Q This is -- and here I thought this was going to  
4 be easy. This is the -- I'm now showing you an  
5 attachment to the federal defendants' first  
6 supplemental response to plaintiffs' first set of  
7 interrogatories, and this is what I mean by an unmarked  
8 map. It is East Range Stryker Off Road Go and No-Go  
9 Areas.

10 A Okay. If you gave me this map and you told me  
11 that I could go -- and I'm a little color-blind, but  
12 I'm assuming this is purple. Okay. All right. If you  
13 told me that I could drive in the purple areas and I  
14 could not drive in the green areas and these were the  
15 only authorized areas I could go, I would understand  
16 that, and we would not drive in the green area. And we  
17 would drive -- and I assume this black line here that  
18 you talk about is where we could drive on roads.  
19 That's what that means.

20 Again, I've never seen this particular chart.  
21 But we do, before we go out -- and we know where the  
22 driving courses are around East Range. We stay on the  
23 roads, and we don't take our Strykers. And quite  
24 honestly, we can't take our Strykers by design.

25 The Stryker basically has the same

1 terrain-negotiating capabilities, as I understand it,  
2 as a quarter-ton Jeep had. So I mean, there are  
3 limitations to where we can take the vehicle anyway.  
4 We just simply can't go there.

5 Q Okay. I hand you a document and ask you if you  
6 recognize this document.

7 (Witness reviews document.)

8 A Okay. I recognize it.

9 MR. HENKIN: If we could please have that  
10 labeled as Exhibit 3.

11 (Deposition Exhibit 3 was marked.)

12 Q Colonel, before we talk about Exhibit 3, one  
13 more question about Schofield East Range. Other than  
14 Stryker OPNET driver training, is the Army seeking to  
15 do any other training at Schofield East Range prior to  
16 its deployment, possible deployment in March of 2008?

17 A Operational NET training gives you a baseline  
18 for efficiency capability. We would certainly want to  
19 continue driver's training at East Range.

20 Again, we would conduct training over there  
21 with Strykers driving on the roads where we can drive  
22 in the go areas. We would certainly do that at squad,  
23 platoon, company situational training exercises, again,  
24 mindful of where we can go and where we can't go.

25 But I mean, that's a useful training area for

1 specifically I need clarification on.

2 MR. GETTE: I just want to make clear for the  
3 record that the United States produced this in response  
4 to a request for documents that presented information  
5 related to what we were requesting, not that it in and  
6 of itself was a statement of what the Army was  
7 requesting in this litigation.

8 MR. HENKIN: I understand.

9 MR. GETTE: Okay.

10 MR. HENKIN: Hopefully the interrogatory stated  
11 what you're seeking in the litigation.

12 MR. GETTE: Hopefully.

13 MR. HENKIN: And that's the purpose of these  
14 conversations.

15 Q On page 8 in the first paragraph is a  
16 statement: These tables are conducted in local  
17 training areas or ranges using live ammo, MILES, or the  
18 embedded trainer.

19 Do you see that?

20 A Yes.

21 Q I assume that the live ammo means live  
22 ammunition; is that right?

23 A That is correct.

24 Q What does MILES mean?

25 A It is gunnery that employs a laser system on

1 our vehicles and also on our individual soldiers that  
2 allows us in a nonlive-fire mode, and I would also add  
3 in a degraded mode, to conduct training.

4 MILES training does not get you trained for  
5 war. When you pull, you know, the -- when you shoot  
6 MILES, when you shoot the laser, when you shoot your  
7 weapon, a laser is released either from the vehicle or  
8 from the individual. Okay.

9 If a soldier is standing behind a bush, okay,  
10 the MILES laser will not penetrate the bush and kill  
11 the soldier. All right. If I shoot a .50 caliber live  
12 round and the soldier is standing behind a bush, he  
13 will disappear. Okay. So we're really, really careful  
14 about how much we use of this MILES equipment. Okay.

15 And I'm here to tell you since 9/11, the Army's  
16 focus -- you know, when you're going to look at some  
17 type of time used, and at least for me as a trainer, as  
18 I was a Ranger battalion commander and now as Stryker  
19 commander, you know, if my guys tell me they're going  
20 to use MILES, the next comment out of my mouth is,  
21 "Okay, when are you doing your live-fire iteration,"  
22 okay, because that's what we need to get to.

23 This is an alternate, lower-level building  
24 block to get soldiers to having live-fire capability.

25 Q To clarify, Colonel, who put together this, if

1 requirement. Okay. The full -- and as is indicated  
2 back here. Okay. I won't elaborate on this too much.

3 Q Page 31?

4 A Thirty-one.

5 It lays out all the specific requirements over  
6 a six-month period to get a soldier ready to do Table  
7 III and then Table IV Crew Qualification. Table III  
8 Practice; Table IV, the actual qualification.

9 And then progress into advanced gunnery where  
10 you live-fire your Stryker and your squad and then you  
11 live-fire your platoon, four vehicles in the entire  
12 platoon, as part of Table V and VI.

13 So having said that, to answer your specific  
14 question, the embedded trainer is a device that is on  
15 every Stryker variant that has a remote weapon station.  
16 What that allows the soldiers to do is to train in  
17 their Strykers on fundamental gunnery skills.

18 It does not train them to a combat standard  
19 because there's no sound. There's no gas in the  
20 soldier's face. There's no sand in his eyes. You  
21 don't get the sight, sounds, and smells of the  
22 battlefield by using an embedded trainer. Simulations  
23 does not get it.

24 Q When you're talking about a remote weapon -- I  
25 can't remember --

1 MR. GETTE: System.

2 THE WITNESS: RWS, remote weapons station.

3 BY MR. HENKIN:

4 Q Station. Couldn't read my writing. Sorry.

5 Remote weapons station.

6 So does that refer to the weapons that are on  
7 the Stryker vehicle itself like the .50 caliber that's  
8 mounted on the Stryker?

9 A The remote weapons station is an advanced very,  
10 very accurate weapons system configuration that allows  
11 the soldiers that have the RWS system to fire from  
12 inside the vehicle. They do not have to be standing up  
13 to shoot the weapons system. All right. Huge force  
14 protection issue. So they're down low. Okay.

15 We are going to be fielded remote weapon  
16 station block 2 upgrades sometime here between January  
17 and April. Again, it's an industrial base's issue. We  
18 lose some of these systems in combat. Some of them get  
19 pulled to theater. Some of them get realigned. But  
20 that's for general window.

21 The remote weapons station that we have right  
22 now, as I mentioned earlier, is extremely accurate.  
23 When we get the remote weapons station block 2 and we  
24 add the storm system, which is the laser designator  
25 that goes with it, all right, it is incredibly

1 accurate. All right. And where we put the  
2 crosshairs -- and we will shoot less ammunition using  
3 those systems.

4 And we'll have -- we'll have a -- are you  
5 familiar with the STRAC Army ammunition allocation that  
6 we're authorized in our force structure? Every unit is  
7 given a certain amount of ammunition they can fire, and  
8 it's a table of distributions for the Army?

9 Because we have precision fire on our  
10 Strykers -- and incidentally, since I've taken command,  
11 I've ensured that every soldier has a day optic to  
12 improve his day marksmanship capability as well which  
13 means that when a soldier is sighting through his  
14 weapon, he or she has a much higher probability of  
15 hitting the target exactly where they want to shoot it.

16 I've gone out and purchased, you know, at least  
17 1,800 of those day sights to improve our accuracy, to  
18 reduce the amount of ammunition that we have to fire.  
19 Okay. And also, once we hit the target, we can have  
20 additional repetitions to practice hitting the target.

21 So we are working very, very hard for a whole  
22 host of reasons. One of them is collateral damage in  
23 combat. I want to be able to shoot the guy driving the  
24 vehicle, okay, and not kill a whole family if I have  
25 to. Okay. Or shoot the terrorist, all right, who's

1 holding the gun to the head of the hostage, okay, and  
2 that's what we're trying to do. And the RWS on a  
3 bigger level gives us an incredible precision  
4 capability. Okay.

5 Q To reduce the RWS to layman's terms, there's  
6 someone who is physically inside of the vehicle who  
7 might be looking at a screen?

8 A Absolutely.

9 Q And firing in that way?

10 A Absolutely. He is looking at -- he is looking  
11 at a computer screen that is connected to a full  
12 solution gun system. I can lase a target, shoot a  
13 laser out to a target. The laser will come back and  
14 will give me a 10-digit grid coordinate exactly where  
15 that guy is. That 10-digit grid coordinate moves from  
16 that gun system and populates my FBCB2 map system,  
17 which is throughout the entire brigade.

18 So everybody in the brigade is within the  
19 capabilities of our ability to retransmit that data,  
20 which is extensive. Everybody in the brigade could  
21 look at what headquarters 6-6 gunner is getting ready  
22 to shoot and know that there's an enemy force there,  
23 which is the power of the Stryker Brigade: situational  
24 awareness; seeing and understanding first.

25 In the industrial age Army that we used to have

1 and that we're moving out of, soldiers would have  
2 driven into an enemy force because they didn't have the  
3 situational awareness. Now, with a Stryker, I can  
4 laser designate a target and have that target  
5 transmitted to firing batteries.

6 We're fielding the first artillery battalion in  
7 the Army with a precision-guided munition. You've  
8 heard of precision-guided bombs, right, coming out of  
9 airplanes? We have a 155 millimeter artillery round  
10 now, okay, that we lase a target, it will be digitally  
11 transmitted right to the gun, and it will put that  
12 round right on the building, right on the room, right  
13 on the vehicle.

14 I think the degree of error is like 10 meters  
15 or something like that. Don't quote me on that, but  
16 it's very, very small. A 155 millimeter round landing  
17 that close to anything is going to kill it.

18 When I was up Haditha Dam, we took over 300  
19 rounds of indirect fire on the 3rd of April, and those  
20 big rounds, the 152 rounds that enemy uses, knocks you  
21 off your feet. It's a heck of a capability.

22 We have that, and we will shoot that for the  
23 first time in March over at the Pohakuloa Training Area  
24 if all goes well.

25 Q If we could turn to page 31, because I'd like

1 that we can use, and that's it, you know.

2 Q But just to clarify, in order to advance past  
3 Table I and Table II, can one do that using MILES?

4 A They can, but it's degraded and it's not  
5 optimal. Because what you want to be able to do, all  
6 right, is shoot live, shoot live ammunition during that  
7 phase to get you ready for what you're going to do in  
8 Table III and Table IV, which is all live fire. Okay.

9 Throwing a soldier out there at Stryker Table  
10 III without shooting live ammunition does not set that  
11 soldier up for success, and he will most likely not  
12 pass his qualification and he will most likely have to  
13 reshoot over again.

14 Q If we take a look at page 10, second line from  
15 the bottom where it says, "Stryker Tables I through III  
16 may be fired using MILES or live ammunition or live if  
17 ammunition is available," do you see that?

18 A Yes. I'm here to tell you nobody shoots Table  
19 III with MILES, and again, if you're some -- at some  
20 remote location, yes, Roger, you may have to use MILES  
21 as the last resort.

22 But I'm here to tell you, Table III, which is  
23 crew practice live fire, and Table IV, which is  
24 qualification, are done live. The 2nd Brigade, we will  
25 do them live.

1 all locations we could potentially go.

2 The STRAC is not a science. They try to make  
3 it science. They try to -- they being the Army, you  
4 know, try to get it right. But we frequently ask for  
5 ammunition plus ups.

6 Q That's additional ammunition?

7 A Additional ammunition to get ourselves to a  
8 trained level. And sometimes, you know, we don't fully  
9 understand, at least I don't because I haven't taken  
10 the brigade through a full uptraining cycle yet, how  
11 much ammunition we'll save for .50 caliber MK-19, for  
12 example, that fire off a remote weapon station block 2  
13 platform.

14 It's a precision platform that takes less  
15 rounds to hit the target. Therefore, you're going to  
16 shoot less ammunition. So there will be a savings for  
17 the Army there. Not only are you going to shoot less  
18 ammunition, you're pretty much guaranteed that every  
19 round you fire is going to go exactly where you want it  
20 to go, which is huge. The same goes with our smaller  
21 rifles.

22 Now that every soldier is in the process -- and  
23 we're very, very close -- is in the process of having a  
24 day optical sight on their M4 or M16, the soldier is  
25 going to shoot less ammunition to qualify on the target

1 proceeded.

2 So your specific question about the 5th of  
3 October, I was not involved in any discussions about  
4 going anywhere, and for the record, I don't support  
5 going anywhere because it will break this brigade. We  
6 are an Army of families.

7 We live, you know, in combat, you know, the  
8 aura of combat every day, and it's emphasized to us.  
9 You know, as I alluded to earlier, when you lose a  
10 member of your brigade killed in action in Iraq, when  
11 you have a soldier blown up with three IDs, when you go  
12 to a memorial ceremony here in the 25th Division every  
13 two to three weeks, there is the stress of combat  
14 that's here all the time. All right.

15 I don't want -- and I am recommending strongly  
16 to my general officers that any idea, any thought about  
17 going anyplace else to train will break this brigade.  
18 It's going to break the families. I'm telling you, our  
19 divorce rates are up. All the social impacts that you  
20 can imagine in terms of divorce, drug abuse, alcohol  
21 abuse, spouse abuse, child abuse, suicides.

22 Suicides, you know, I had a soldier kill  
23 himself in May. He was the soldier of the year in our  
24 brigade.

25 Q That was before the Ninth Circuit's ruling,

1 correct?

2 A Yes, but it's in the context of knowing that  
3 you're going into combat. I'm getting at the stress  
4 component of this.

5 I am not -- do not advocate at all going  
6 anyplace else because our families cannot suffer any  
7 more stress. Our soldiers can't suffer any more  
8 stress.

9 And the other thing that when people start  
10 talking to me about going to any other location to  
11 train, I've already mapped out a training time line  
12 that maximizes our operational tempo. All right. And  
13 again, I had discussions with my senior leaders in the  
14 division, and they said: You've got it about right.  
15 Do not deploy any more anywhere, all right, because  
16 you're going to break the brigade if you do.

17 And then the other piece to this is -- you  
18 know, there's two pieces. It's the wearing down of the  
19 leaders. I am not equipped in this brigade to do  
20 training at PTA, to do training here at Schofield  
21 Barracks, to do training at Fort Lewis, to do training  
22 at Yakima. I don't have the people. I literally don't  
23 have the leaders to be able to do that.

24 And the leaders that I do have are going to be  
25 completely burned out by the time we deploy this

1 brigade, and so will the soldiers because the NTC  
2 rotation in September and the NTC mission-readiness  
3 exercise in October, they ain't going anywhere.  
4 They're going to stay on the calendar. They absolutely  
5 must do the requirements.

6 And the last piece of this is this is an  
7 all-volunteer force. Okay. We start telling soldiers  
8 that we -- and the spouses are the ones that vote.  
9 Okay. We start telling soldiers, "This is what we're  
10 going to do," I tell you, you are not going to meet  
11 reenlistment objectives. These kids will walk on us,  
12 okay, and the spouses will be the ones that will be  
13 driving it.

14 I'm the only brigade in this division in the  
15 last two years that has met its reenlistment goals, and  
16 the reason why we've met those reenlistment goals is  
17 because we're Stryker, okay, and because right now the  
18 kids trust us.

19 Q Isn't the 1st Brigade of the 25th Infantry also  
20 Stryker?

21 A Yes, but they're not a part of this division.

22 Q Have they been repatched?

23 A They carry the same unit designation. But  
24 General Mixon, the two star here at Schofield Barracks,  
25 he has no command and control over that brigade.

1                   MR. HENKIN: No, no, no. Actually, I need to  
2 talk to him, Counsel. I'm sorry. We only have seven  
3 hours for his deposition. This is a narrative answer.

4                   Q        I do want to respect your ability to give an  
5 answer to the question, but you cannot go on for --

6                   A        I'm not going to go on.

7                   Q        Okay.

8                   MR. GETTE: Objection. David, you can't  
9 instruct the witness that he can't complete his  
10 answers.

11                  MR. HENKIN: I have an opportunity to ensure  
12 that I can get through the questions that I have in  
13 seven hours. He cannot filibuster during this  
14 deposition.

15                  Q        So if you have a simple point that soldiers are  
16 injured and die in combat, you've made the point. Is  
17 there anything you'd like to add to that?

18                  MR. GETTE: Objection. Let him complete his  
19 prior answer, and then you can go on to your next  
20 question, just as a deposition is supposed to proceed.

21                  Colonel.

22                  THE WITNESS: I can't describe to you, all  
23 right, the full impact and the requirement, all right,  
24 to ensure soldiers are trained, all right, and I can't  
25 overstate, all right, the amount of risk that we all go